

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RADIANSE, INC.,

Plaintiff,

v.

TWIN CITY FIRE INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 10-10120-RGS

**TWIN CITY FIRE INSURANCE COMPANY'S STATEMENT OF
UNDISPUTED MATERIAL FACTS PURSUANT TO LOCAL RULE 56.1**

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, Defendant Twin City Fire Insurance Company (“Twin City”) submits the following Statement of Undisputed Material Facts in connection with its Motion for Summary Judgment against Plaintiff Radianse, Inc. (“Radianse”):

1. On or about March 26, 2008, AccountAbility Outsourcing, Inc. filed a lawsuit against Diane Marcou and Radianse captioned *AccountAbility Outsourcing, Inc. v. Marcou, et al.*, No. 08-1379 (Mass. Super. Ct., Suffolk County) (the “Underlying Action”). A true and correct copy of the Complaint in the Underlying Action (including the exhibits thereto) was attached as an exhibit to Radianse’s Complaint in this action and is also attached as Exhibit A to the Memorandum of Law in Support of Twin City’s Motion for Summary Judgment.

2. Twin City issued to Radianse insurance policy number 00 KB 0222077-07, covering the period of June 11, 2007 to June 11, 2008. A true and correct copy of this insurance

policy was attached to Radianse's Complaint in this action and is attached as Exhibit E to the Memorandum of Law in Support of Twin City's Motion for Summary Judgment.

Dated: August 12, 2010

Respectfully submitted,

TWIN CITY FIRE INSURANCE COMPANY

By its attorneys,

/s/ Craig E. Stewart

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CERTIFICATE OF SERVICE

I, Craig E. Stewart, hereby certify that a true and accurate copy of the foregoing document has been filed and served through the Court's electronic filing system this 12th day of August, 2010.

/s/ Craig E. Stewart